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5 UNITED STATES DISTRICT COURT
6 Northern District of California

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8 SERVICE EMPLOYEES,

9 Plaintiff(s), No. C 09-00404 WHA (MEJ)
10 v.

11 SEIU UNITED HEALTHCARE WORKERS,

12 Defendant(s). /
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ORDER RE: FUDR DISCOVERY

14 The Court is in receipt of the parties' letters regarding Plaintiff UHW's request for discovery
15 related to the Fund for Union Democracy and Reform ("FUDR"), filed January 13 and 20, 2010.
16 (Dkt. ## 456, 459.) In its request, Plaintiff seeks the following documents from FUDR:

17 1) documents pertaining to FUDR's structure and governance;
18 2) documents related to communications with the State of California; and
19 3) documents concerning FUDR's communications with UHW.

20 UHW argues that the first two requests are simple background documents that seek information on
21 FUDR's history and status. As to the third, UHW argues that the purpose of this request is to
22 explore the extent to which Defendants were involved in setting up FUDR and the extent to which
23 the two entities were interrelated. Although Defendants originally raised objections on grounds of
24 privilege, privacy, etc., UHW argues that these objections cannot withstand scrutiny as by definition
25 UHW was a party to all communications, and it waives any such objections.

26 In response, Defendants appear to make two contradictory arguments. Defendants first argue
27 that FUDR is an independent organization with its own leadership and counsel. But they then argue
28 that they have produced all FUDR documents in their possession. As UHW seeks a court order

1 compelling FUDR to produce responsive documents, and Defendants state that FUDR is an
2 independent organization, it is unclear why Defendants are limiting the dispute to documents in their
3 possession rather than FUDR's. Further, the Court agrees that FUDR cannot object to disclosure of
4 communications that it has shared with an entity that waives the objection. Accordingly, the Court
5 hereby ORDERS FUDR to search for and produce documents responsive to document subpoena's
6 Requests Numbers 1, 2, and 9, as limited by UHW's January 13, 2010 letter.

7 **IT IS SO ORDERED.**

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9 Dated: January 13, 2010

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Maria-Elena James
Chief United States Magistrate Judge

